

REMARKS

Applicant desires to acknowledge and express appreciation for the courtesies extended during the recent telephone interview with Examiner Ta regarding the subject case on March 1, 2005. The Examiner was advised as to further amendments Applicant proposed to make to the claims to even more clearly distinguish them over the cited prior art.

As explained to the Examiner during the telephone interview, all of the claims in the present application, namely, claims 1-20, have been rejected under 35 U.S.C. §103(a) as being unpatentable over the digital photograph of Sellery, Inc. Combination Padlock 22-317, which digital photograph was provided to the Examiner during the prosecution of this application. As discussed during the interview, the Sellery combination padlock is suitable for use with luggage and tool boxes and is not adaptable for use with an electrical plug having a pair of spaced prongs each defining an aperture spaced from its respective terminal end portion for engagement with a typical electrical outlet. As clearly shown in the digital photograph, the elongated member is not sized and shaped so as to be insertably received within the apertures associated with a pair of spaced electrical prongs. It is not designed for such purpose.

Nevertheless, assuming that a pair of spaced electrical prongs could be engaged with the elongated member associated with the Sellery lock, it is important to note that the elongated or transverse member associated with the Sellery lock is also positioned and located adjacent the terminal end portion of the pair of arm members associated therewith. With this positioning of the elongated member, the terminal end portions of the spaced prongs can be maneuvered into an orientation so as to extend beyond the terminal end portions of the arm members. This presents a

safety concern since such spaced prongs could be inserted into an electrical outlet and electrical contact could be made.

Still further, the size and shape of the arm members associated with the Sellery lock are such that the terminal end portions of the spaced prongs can also be maneuvered into an orientation so as to extend beyond the periphery of the arm members. This likewise causes a safety concern since any time the spaced prongs extend beyond the periphery of the arm members, they can be inserted into an electrical outlet and electrical contact can be made.

As further explained during the telephone interview, Applicant's locking device is specifically designed so as to prevent the terminal end portions of the spaced prongs associated with a typical electrical plug from being maneuvered into any orientation, when engaged with the transverse member, so as to extend beyond the periphery of the arm members including beyond the terminal end portions of such arm members. As a result, Applicant's structure is different from the structure disclosed in the Sellery construction in several important respects. For example, the elongated or transverse member associated with Applicant's locking device is specifically sized and shaped so as to be insertably received within the apertures associated with a typical pair of spaced prongs associated with an electrical plug. This is not true of the Sellery Lock.

Also, the transverse member associated with Applicant's locking device is spaced from the terminal end portions of the arm members such that the terminal end portions of the spaced prongs cannot be maneuvered into any orientation when engaged with the transverse member so as to extend beyond the terminal end portions of the arm members. This relationship is clearly shown in Figs. 3 and 8 wherein the elongated member 18 of Applicant's locking device is

spaced from the terminal end portions of the arm members by a distance "D". The distance "D" represents the distance that the transverse or elongated member 18 is offset or spaced from the terminal end portions of the arm members 14 and 16. This relationship is explained in the specification at paragraph 24 wherein the distance "P" illustrated in Fig. 8, which represents the extension of the terminal end portions of the spaced prongs when engaged with the transverse member 18, is less than the distance "D" illustrated in Fig. 3. This means that the terminal end portions of the spaced prongs cannot be maneuvered when engaged with the transverse member such that the spaced prongs extend outside the periphery or contour of the arm members thereby preventing any possibility that the spaced prongs can be engaged in any manner with a typical electrical outlet.

Still further, Applicant's locking device also requires that the pair of arm members be sized and shaped such that the terminal end portions of the spaced prongs cannot be maneuvered into any orientation when engaged with the transverse member so as to extend beyond the periphery of the arm members. This relationship is likewise illustrated in Figs. 4 and 8 wherein the distance "R" illustrated in Fig. 4 is likewise greater than the distance "P" illustrated in Fig. 8 in all possible orientations of the plug prongs when maneuvered about the transverse member 18. This relationship is also explained in paragraph 24 wherein it is specifically stated that each arm member 14 and 16 is sized and dimensioned such that the terminal end portions 36 of the electrical prongs will not extend beyond the periphery of the arm members at any rotatable position or other maneuverable orientation when engaged with the transverse member 18. In other words, once the electrical prongs are engaged with the transverse member 18 of the present invention, such prongs cannot be rotated or maneuvered into any orientation whereby the

terminal end portions of such prongs will extend beyond the periphery of the arm members or beyond the terminal end portions thereof.

All three independent claims of the present application, namely, claims 1, 9 and 18 have been amended to specifically describe this relationship whereby the terminal end portions of the plug prongs will not extend beyond the periphery of the arm members or beyond the terminal end portions thereof at any rotatable position or other maneuverable orientation when engaged with the transverse or elongated member. For example, claim 1 has been amended to specifically require that the elongated member be sized and shaped for insertably receiving the aperture associated with the at least one prong; that the elongated member be positioned relative to the terminal end portions of the pair of arm members such that the terminal end portion of the at least one prong cannot be maneuvered into any orientation while engaged therewith so as to extend beyond the terminal end portions of the pair of arm members; and that the pair of arm members be further sized and shaped such that the terminal end portion of the at least one prong cannot be maneuvered into any orientation while engaged with said elongated member so as to extend beyond the periphery of the pair of arm members. This is clearly not true, or even possible, with the Sellery device. Also, importantly, there is no teaching or suggestion that the Sellery device can be used as a locking device for use with electrical plugs and its construction precludes such use.

Independent claim 9 includes the same limitations as recited above with respect to claim 1 with respect to the size and shape of the arm members, the size and shape of the transverse member, and the positioning of the transverse member relative to the terminal end portions of the

arm members. Again, there is no teaching or suggestion in the Sellery construction that affords the specific use and advantages offered by the present locking device.

Still further, independent claim 18 is substantially similar to independent claim 9 but is of different scope in that it specifically requires that the transverse member again be sized and shaped so as to be insertably received within the apertures associated with a pair of spaced electrical prongs, and that the pair of arm members be sized and shaped and that the transverse member be positioned and located from the terminal end portions of the pair of arm members such that the terminal end portions of the spaced prongs cannot be maneuvered into any orientation so as to extend beyond the periphery of the arm members. Again, there is no such teaching or motivation associated with the Sellery device to make obvious the specific use and structure disclosed in independent claims 1, 9 and 18.

For these and other reasons, it is now believed that all of the pending claims in the present application, namely, claims 1, 2, 6-13, 17 and 18, contain limitations and restrictions which patentably distinguish them over the cited prior art. None of the cited prior art including the Sellery device, either alone or in any combination thereof, disclose or suggest all of the novel features associated with the present locking device, nor do the referenced constructions provide the specific advantages and objectives obtained by the present device. Favorable action and allowance of the claims is therefore respectfully requested.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions

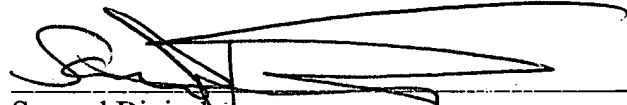
Application of: Maurer, Jr., Michael
Serial No.: 10/709,418
Amedment A

regarding the present amendment, it is respectfully requested that the Examiner please telephone
Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: _____

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